

1-1 By: Gervin-Hawkins, Bernal, Allison H.B. No. 496
 1-2 (Senate Sponsor - Lucio)
 1-3 (In the Senate - Received from the House May 13, 2019;
 1-4 May 14, 2019, read first time and referred to Committee on
 1-5 Education; May 17, 2019, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 2;
 1-7 May 17, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Taylor	X			
1-10 Lucio	X			
1-11 Bettencourt		X		
1-12 Campbell	X			
1-13 Fallon	X			
1-14 Hall		X		
1-15 Hughes	X			
1-16 Paxton	X			
1-17 Powell	X			
1-18 Watson	X			
1-19 West	X			

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 496 By: Lucio

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to traumatic injury response protocol and the use of
 1-25 bleeding control kits in public schools.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter A, Chapter 38, Education Code, is
 1-28 amended by adding Section 38.030 to read as follows:

1-29 Sec. 38.030. TRAUMATIC INJURY RESPONSE PROTOCOL. (a) A
 1-30 school district or open-enrollment charter school shall develop and
 1-31 annually make available a protocol for school employees and
 1-32 volunteers to follow in the event of a traumatic injury.

1-33 (b) The protocol required under this section must provide
 1-34 for a school district or open-enrollment charter school to maintain
 1-35 and make available to school employees and volunteers a bleeding
 1-36 control kit for use in the event of a traumatic injury involving
 1-37 blood loss.

1-38 (c) A bleeding control kit required under this section must
 1-39 be a first aid response kit that includes:

1-40 (1) a tourniquet approved for use in battlefield
 1-41 trauma care by the armed forces of the United States;

1-42 (2) compression bandages;

1-43 (3) bleeding control bandages;

1-44 (4) protective gloves;

1-45 (5) markers;

1-46 (6) scissors; and

1-47 (7) instructional documents developed by the American
 1-48 College of Surgeons or the United States Department of Homeland
 1-49 Security detailing methods to prevent blood loss following a
 1-50 traumatic event.

1-51 (d) In addition to the items listed under Subsection (c), a
 1-52 school district or open-enrollment charter school may also include
 1-53 in a bleeding control kit any medical material or equipment that:

1-54 (1) may be readily stored in a bleeding control kit;

1-55 (2) may be used to adequately treat an injury
 1-56 involving traumatic blood loss; and

1-57 (3) is approved by local law enforcement or emergency
 1-58 medical services personnel.

1-59 (e) The good faith use of a bleeding control kit by a school
 1-60 district or open-enrollment charter school employee to control the

2-1 bleeding of an injured person is incident to or within the scope of
2-2 the duties of the employee's position of employment and involves
2-3 the exercise of judgment or discretion on the part of the employee
2-4 for purposes of Section 22.0511, and a school district or
2-5 open-enrollment charter school and the employees of the district or
2-6 school are immune from civil liability, as provided by that
2-7 section, from damages or injuries resulting from that good faith
2-8 use of a bleeding control kit. A school district or open-enrollment
2-9 charter school volunteer is immune from civil liability from
2-10 damages or injuries resulting from the good faith use of a bleeding
2-11 control kit to the same extent as a professional employee of the
2-12 district or school, as provided by Section 22.053.

2-13 (f) Nothing in this section limits the immunity from
2-14 liability of a school district, open-enrollment charter school, or
2-15 district or school employee or volunteer under:

2-16 (1) Sections 22.0511 and 22.053;

2-17 (2) Section 101.051, Civil Practice and Remedies Code;

2-18 or

2-19 (3) any other applicable law.

2-20 (g) This section does not create a cause of action against a
2-21 school district or open-enrollment charter school or the employees
2-22 or volunteers of the district or school.

2-23 SECTION 2. As soon as practicable after the effective date
2-24 of this Act, and not later than January 1, 2020, each school
2-25 district and open-enrollment charter school shall develop and
2-26 implement the traumatic injury response protocol required by
2-27 Section 38.030, Education Code, as added by this Act.

2-28 SECTION 3. This Act takes effect immediately if it receives
2-29 a vote of two-thirds of all the members elected to each house, as
2-30 provided by Section 39, Article III, Texas Constitution. If this
2-31 Act does not receive the vote necessary for immediate effect, this
2-32 Act takes effect September 1, 2019.

2-33 * * * * *